CHAPTER 118B - LANDLORD AND TENANT: MANUFACTURED HOME PARKS

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GENERAL PROVISIONS

NAC 118B.010 Definitions. (NRS 118B.024) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 118B.020 to 118B.050, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Mfd. Housing Div., eff. 3-26-93)

NAC 118B.020 "Administrator" defined. (NRS 118B.024) "Administrator" means the Administrator of the Manufactured Housing Division of the Department of Business and Industry.

(Added to NAC by Mfd. Housing Div., eff. 3-26-93; A 12-27-93)

NAC 118B.030 "Course" defined. (NRS 118B.024) "Course" means a course of continuing education required by NRS 118B.086.

(Added to NAC by Mfd. Housing Div., eff. 3-26-93)

NAC 118B.040 "Division" defined. (NRS 118B.024) "Division" means the Manufactured Housing Division of the Department of Business and Industry.

(Added to NAC by Mfd. Housing Div., eff. 3-26-93; A 12-27-93)

NAC 118B.050 "Instructor" defined. (NRS 118B.024) "Instructor" means a person approved by the Administrator to teach a course.

(Added to NAC by Mfd. Housing Div., eff. 3-26-93)

CONTINUING EDUCATION OF MANAGERS AND ASSISTANT MANAGERS

NAC 118B.100 Approval of course and instructor: Requirement; application to Administrator. (NRS 118B.024, 118B.086)

- 1. A person shall not offer or teach a course unless the course and the instructor have first been approved by the Administrator.
- 2. A person who wishes to offer or teach a course must submit an application to the Administrator on a form provided by the Division.

(Added to NAC by Mfd. Housing Div., eff. 3-26-93)

NAC 118B.110 Application for approval of course or instructor: Contents; notice of approval or denial. (NRS 118B.024, 118B.086)

- 1. An application for approval of a course or instructor must include:
- (a) The name and address of the instructor of the course;
- (b) The resume of the instructor;
- (c) An outline of the course;
- (d) The amount of time allocated for each subject included in the course;
- (e) The title, author and publisher of each textbook, if any, required for the course; and

- (f) A statement of:
 - (1) The purpose of the course;
 - (2) The fee for the course;
 - (3) The requirements for attendance; and
 - (4) The location where records of the students will be maintained.
- 2. The Administrator will, within 30 days after receiving an application, approve or deny it and give written notice of the decision to the applicant by certified mail.

(Added to NAC by Mfd. Housing Div., eff. 3-26-93)

NAC 118B.120 Criteria for approval of course. (NRS 118B.024, 118B.086) The Administrator will consider, without limitation, the following criteria in determining whether to approve a course:

- 1. Whether the course consists of at least 3 hours of instruction; and
- 2. The willingness of the instructor to certify the attendance of students at the course. (Added to NAC by Mfd. Housing Div., eff. 3-26-93)

NAC 118B.130 Contents of course. (NRS 118B.024, 118B.086) In addition to the information required pursuant to NRS 118B.086, a course may include information relating to:

- 1. Manufactured housing or manufactured home parks which will enable a person to provide better service to the tenants of a manufactured home park.
 - 2. The ethics of managing a manufactured home park.
 - 3. The provisions of <u>chapter 489</u> of NRS and <u>chapter 489</u> of NAC.
- 4. The personal development of the student, including training in leadership, communication and other skills which the Administrator may deem appropriate, not to exceed 2 hours.

(Added to NAC by Mfd. Housing Div., eff. 3-26-93)

NAC 118B.140 Instructors: Qualifications for approval. (NRS 118B.024, 118B.086)

- 1. The Administrator will not approve an instructor for a course unless the instructor is of good moral character and, except as otherwise provided in subsection 2:
 - (a) Holds a bachelor's degree or graduate degree in the area of instruction;
- (b) Teaches at a college or university within the Nevada System of Higher Education or any other accredited college or university in the area of instruction;
- (c) Is approved by the Real Estate Division of the Department of Business and Industry to teach courses relating to real estate;
- (d) Has at least 5 years of full-time experience, other than clerical experience, in the area of instruction; or
- (e) Has at least 3 years of full-time experience as a teacher in a school which offers education to adults.
- 2. The Administrator may approve an employee of the Division or any other person as an instructor of a course if the Administrator is satisfied that he or she has the knowledge and experience required to teach that course.

(Added to NAC by Mfd. Housing Div., eff. 3-26-93; A 12-27-93)

NAC 118B.150 Instructors: General duties. (NRS 118B.024, 118B.086) Each instructor who is approved by the Administrator to offer a course shall:

1. Maintain a record of each student's attendance and a copy of the certificate of completion for 5 years after the course is offered.

- 2. Make the records described in subsection 1 available for inspection by the Division.
- 3. Within 15 days after the occurrence of any change in the information included in the instructor's application, notify the Division, in writing, of that change.
- 4. Provide, upon the request of a student, proof of attendance and a copy of his or her certificate of completion.
- 5. Send written notice to the Administrator at least 30 days before the course is offered. The notice must include the date, time and location of the course.

(Added to NAC by Mfd. Housing Div., eff. 3-26-93)

NAC 118B.160 Evaluation of courses. (NRS 118B.024, 118B.086)

- 1. Each instructor shall, at the completion of a course, require each student to complete a written evaluation of the course. The Division will provide the form for the evaluation.
- 2. The instructor shall keep the evaluations for at least 5 years and make them available for examination by the Division.
- 3. An instructor shall allow the Administrator or a representative thereof to attend a course to evaluate the course.

(Added to NAC by Mfd. Housing Div., eff. 3-26-93)

NAC 118B.170 Certificates of completion: Contents. (NRS 118B.024, 118B.088) Each certificate of completion must, in addition to the information required pursuant to NRS 118B.088, include the name and number of the course.

(Added to NAC by Mfd. Housing Div., eff. 3-26-93)

NAC 118B.180 Certificates of completion: Restriction on issuance. (NRS 118B.024, 118B.088)

- 1. An instructor approved by the Administrator shall not issue a certificate of completion to any student who has not attended the required number of hours of instruction for the course.
 - 2. As used in this section, "hour of instruction" means 50 minutes of instruction or more. (Added to NAC by Mfd. Housing Div., eff. 3-26-93)

NAC 118B.190 Contents of advertisements and forms for registration. (NRS 118B.024, 118B.086)

- 1. An instructor shall not make any misrepresentations in the advertisement of any course offered pursuant to NAC 118B.100 to 118B.220, inclusive.
 - 2. Each advertisement or form for registration for a course must include:
 - (a) A statement that the course and instructor are approved by the Administrator;
 - (b) The number of hours of credit for the course; and
- (c) Information concerning the cancellation of the course and the refunding of the fee for the course.

(Added to NAC by Mfd. Housing Div., eff. 3-26-93)

NAC 118B.200 Renewal of approval of instructor or course. (NRS 118B.024, 118B.086)

- 1. Approval for each instructor or course must be renewed annually by submitting to the Administrator:
 - (a) An application on a form prescribed by the Division; and

- (b) A certificate, on a form prescribed by the Division, signed by the applicant, under penalty of perjury, declaring that the applicant has complied with requirements of <u>NAC 118B.100</u> to 118B.220, inclusive.
- 2. The Administrator will, within 30 days after receiving an application for renewal, approve or deny it and give written notice of the decision to the applicant by certified mail.

(Added to NAC by Mfd. Housing Div., eff. 3-26-93)

NAC 118B.210 Hearing on denial of application for approval or renewal of approval of instructor or course. (NRS 118B.024, 118B.086)

- 1. A person whose application for approval or renewal of approval as an instructor or for approval or renewal of approval of a course is denied may request a hearing before the Administrator.
- 2. The request for a hearing must be in writing and submitted to the Administrator within 20 days after the applicant receives the denial of approval.
- 3. The Administrator will hold the hearing within 45 days after the request for a hearing is submitted to him or her.
- 4. The Administrator will, within 20 days after the hearing, give written notice of the decision to the applicant by certified mail.
 - 5. The decision of the Administrator is a final decision for the purpose of judicial review. (Added to NAC by Mfd. Housing Div., eff. 3-26-93)

NAC 118B.220 Withdrawal of approval of instructor or course. (NRS 118B.024, 118B.086)

- 1. The Administrator may withdraw his or her approval of an instructor or course if the Administrator finds that:
 - (a) The quality of the instruction is unsatisfactory; or
 - (b) The instructor has violated any of the provisions of NAC 118B.100 to 118B.220, inclusive.
- 2. If the Administrator withdraws his or her approval of a course or instructor, the Administrator will send, by certified mail, a written notice to the instructor. The notice must include the reason for the withdrawal of approval.
- 3. The instructor may request a hearing if he or she sends a written request for a hearing to the Administrator within 20 days after receiving the notice from the Administrator.
- 4. The Administrator will hold the hearing within 20 days after the request for a hearing is submitted to him or her.
- 5. The Administrator will, within 20 days after the hearing, give written notice of the decision to the applicant by certified mail.
 - 6. The decision of the Administrator is a final decision for the purpose of judicial review. (Added to NAC by Mfd. Housing Div., eff. 3-26-93)

ASSISTANCE FOR LOW-INCOME OWNERS OF MANUFACTURED HOMES

NAC 118B.300 Definitions. (NRS 118B.024, 118B.215) As used in NAC 118B.300 to 118B.450, inclusive, unless the context otherwise requires, the words and terms defined in NAC 118B.310 to 118B.330, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Mfd. Housing Div., eff. 12-27-93)

NAC 118B.310 "Applicant" defined. (NRS 118B.024, 118B.215) "Applicant" means a tenant of a manufactured home park who has applied for assistance from the Fund.

(Added to NAC by Mfd. Housing Div., eff. 12-27-93; A by R213-03, 3-29-2004)

NAC 118B.315 "Fund" defined. (NRS 118B.024, 118B.215) "Fund" means the Fund for Low-Income Owners of Manufactured Homes created pursuant to NRS 118B.215.

(Added to NAC by Mfd. Housing Div., eff. 12-27-93; A by R213-03, 3-29-2004)—(Substituted in revision for NAC 118B.340)

NAC 118B.320 "Income" defined. (NRS 118B.024, 118B.215) "Income" means gross income received from all sources including:

- 1. Wages and salaries;
- 2. Net income from business activities or investments;
- 3. Industrial insurance benefits;
- 4. Payments received for social security;
- 5. Railroad retirement benefits;
- 6. Unemployment compensation;
- 7. Benefits received from a labor organization while on strike;
- 8. Compensation received from the Department of Veterans Affairs;
- 9. Public assistance, including aid to families with dependent children, supplemental security income, food stamps and training stipends;
 - 10. Alimony;
 - 11. Payments for child support;
 - 12. Military allowances for families;
 - 13. Pensions:
 - 14. Insurance or annuity payments;
- 15. Scholarships, grants, fellowships, assistantships or any other financial assistance for education;
 - 16. Dividends:
 - 17. Interest;
 - 18. Net rental income;
 - 19. Net royalties;
 - 20. Income received from trusts or estates;
 - 21. Net gambling winnings;
 - 22. Capital gains;
 - 23. Gifts;
 - 24. Bonuses; and
 - 25. Inheritances.

(Added to NAC by Mfd. Housing Div., eff. 12-27-93)

NAC 118B.330 "Recipient" defined. (NRS 118B.024, 118B.215) "Recipient" means a tenant of a manufactured home park who is receiving assistance from the Fund.

(Added to NAC by Mfd. Housing Div., eff. 12-27-93; A by R213-03, 3-29-2004)

NAC 118B.350 Formula for determining monthly income of applicant. (NRS 118B.024, 118B.215) The Division will determine the monthly income of an applicant by adding the annual income of each person who owns and occupies the manufactured home for which

assistance from the Fund is requested, dividing that total annual income by the number of persons who own and occupy the manufactured home and dividing that amount by 12.

(Added to NAC by Mfd. Housing Div., eff. 12-27-93; A by R213-03, 3-29-2004)

NAC 118B.360 Determination of average monthly rent; publication of reports. (NRS 118B.024, 118B.215) The Division will determine the average monthly rent for each class of manufactured home lot in the county where the manufactured home is located by using the reports which are submitted annually to the Division pursuant to NRS 118B.025. The Division will publish the reports in June of each year.

(Added to NAC by Mfd. Housing Div., eff. 12-27-93)

NAC 118B.370 Guidelines for eligibility for assistance. (NRS 118B.024, 118B.215) The Division will use the guidelines for poverty established by the United States Department of Health and Human Services to determine eligibility for assistance from the Fund.

(Added to NAC by Mfd. Housing Div., eff. 12-27-93; A by R213-03, 3-29-2004)

NAC 118B.380 Application for assistance; approval or denial of application. (NRS 118B.024, 118B.215)

- 1. An applicant who requests assistance from the Fund must submit an application to the Division on a form furnished by the Division.
 - 2. The application must include:
 - (a) Any proof of income the Division may deem necessary.
 - (b) Any proof of ownership of the manufactured home the Division may deem necessary.
 - (c) Any proof of tenancy the Division may deem necessary.
- (d) The permission of the applicant which authorizes the Division to verify any information he or she furnishes to the Division.
 - 3. The application must be signed by the applicant and notarized.
- 4. The Administrator will approve or deny any application for assistance in the order that applications are received.
- 5. The Division will notify the applicant by mail upon the approval or denial of the application.

(Added to NAC by Mfd. Housing Div., eff. 12-27-93; A by R213-03, 3-29-2004)

NAC 118B.390 Completion of certification form by manager; contents of certification form. (NRS 118B.024, 118B.215)

- 1. After the Division receives an application for assistance, it will mail to the manager of the manufactured home park where the applicant resides a certification form provided by the Division for completion by the manager.
 - 2. The certification form must include:
 - (a) The applicant's monthly rent;
 - (b) The space number and size of the applicant's lot;
 - (c) The date on which the applicant's tenancy at the manufactured home park began; and
 - (d) Any other information the Division may require.
- 3. The manager shall complete the certification form and return it to the Division within 5 days after he or she receives it. The certification form must be signed by the manager and notarized.

(Added to NAC by Mfd. Housing Div., eff. 12-27-93; A by R127-08, 12-17-2008)

NAC 118B.400 Amount of assistance: Payment to manufactured home park; credit to rent and notification of recipient. (NRS 118B.024, 118B.215) Except as otherwise provided in NAC 118B.410, the Administrator will, not later than the 10th day of each month:

- 1. Deposit the amount of the assistance that has been approved by the Administrator in the bank account established for the manufactured home park where the recipient resides; or
- 2. Issue a check made payable to the manufactured home park where the recipient resides for the amount of the assistance that has been approved by the Administrator.
- The manager of the manufactured home park shall, upon the receipt of the payment described in subsection 1 or 2, credit the amount of the payment to the recipient's rent and notify the recipient of that fact.

(Added to NAC by Mfd. Housing Div., eff. 12-27-93; A by R213-03, 3-29-2004)

NAC 118B.410 Amount of assistance: Reduction in amount when money in Fund is insufficient. (NRS 118B.024, 118B.215, 118B.217)

- 1. If the money in the Fund is not sufficient to make all of the monthly payments of assistance which have been approved by the Administrator, the Administrator may reduce the amount of assistance distributed to each recipient so that the Division may provide assistance to any or all of those on the list of persons who are eligible to receive assistance from the Fund but who do not receive assistance because the amount of money in the Fund is insufficient to provide assistance to those persons. Each recipient will receive an equal percentage of his or her base rent, not to exceed an amount that the Administrator will determine.
- 2. As used in this section, the term "base rent" means the amount of money a tenant pays for the rental of a manufactured home lot, not including any separate charges for utilities or any additional services provided.

(Added to NAC by Mfd. Housing Div., eff. 12-27-93; A 5-8-95; R213-03, 3-29-2004)

NAC 118B.420 Annual requalification form of recipient. (NRS 118B.024, 118B.215)

- 1. Each recipient shall submit to the Division a requalification form provided by the Division not later than March 1 of each year.
 - 2. The Division will mail the form to each recipient not later than January 31 of each year.
- 3. A recipient who submits an annual requalification form which the Division receives after March 1 is not entitled to receive assistance from the Fund unless the recipient submits a new application for assistance to the Division and the Administrator approves the application. A person who submits a new application pursuant to this subsection is entitled to receive assistance subject to the provisions of NAC 118B.400 and 118B.410.
- 4. Each requalification form must include a statement signed by the recipient under penalty of perjury that he or she has read and understood the provisions of NRS 118B.218 and 118B.251.

(Added to NAC by Mfd. Housing Div., eff. 12-27-93; A by R213-03, 3-29-2004; R127-08, 12-17-2008)

NAC 118B.430 Annual recertification form of manager or owner of manufactured home park. (NRS 118B.024, 118B.215)

- 1. Each manager or owner of a manufactured home park shall submit to the Division a recertification form provided by the Division not later than March 1 of each year.
- 2. The Division will mail the form to each manager or owner not later than February 1 of each year.

3. Each form must be signed by the manager or owner and include a statement that the manager or owner who signed the form has read and understood the provisions of NRS 118B.251.

(Added to NAC by Mfd. Housing Div., eff. 12-27-93; A by R213-03, 3-29-2004; R127-08, 12-17-2008)

NAC 118B.440 Proof of ownership of manufactured home. (NRS 118B.024, 118B.215) The Division will accept as proof of ownership of a manufactured home a copy of:

- 1. The original certificate of ownership;
- 2. The installment contract for the purchase of the manufactured home; or
- 3. The title search of the manufactured home issued by the Division.

(Added to NAC by Mfd. Housing Div., eff. 12-27-93)

NAC 118B.450 Owner to furnish information for direct deposits. (NRS 118B.024, 118B.215) The owner of each manufactured home park shall furnish to the Division any information necessary for the State Controller to make direct deposits of money pursuant to NAC 118B.400.

(Added to NAC by Mfd. Housing Div., eff. 12-27-93)

RIGHTS AND OBLIGATIONS OF LANDLORDS AND TENANTS

NAC 118B.500 "Amenity" and "services" interpreted. (NRS 118B.024, 118B.153) As used in NRS 118B.153, the Division will interpret the term:

- 1. "Amenity" to include, without limitation, a gated community, pool, spa, clubhouse or recreational facility.
- 2. "Service" to include, without limitation, an on-site manager, security guard or security patrol.

(Added to NAC by Mfd. Housing Div. by R127-08, eff. 12-17-2008)

NAC 118B.510 "Common areas" interpreted. (NRS 118B.024, 118B.090)

- 1. Except as otherwise provided in subsection 2, as used in NRS 118B.090, the Division will interpret the term "common areas" to include, without limitation, any aboveground or underground electrical, plumbing and sanitary service apparatus located on each manufactured home lot, up to the disconnection point, which is not an appurtenance of the manufactured home.
- 2. The term will be interpreted not to include any such apparatus that has been damaged by the tenant of the manufactured home lot.

(Added to NAC by Mfd. Housing Div. by R127-08, eff. 12-17-2008)

NAC 118B.520 Acceptance of applicant or approval of prospective tenant. (NRS 118B.024) A landlord shall use the same criteria in deciding whether to accept an applicant or approve a prospective tenant whether the applicant or prospective tenant is purchasing a manufactured home from a:

- 1. Licensed dealer;
- 2. Private party; or
- 3. Manufactured home park.

(Added to NAC by Mfd. Housing Div. by R127-08, eff. 12-17-2008)

NAC 118B.530 Receipt of payment of rent from tenant; requirements; contents. (NRS 118B.024, 118B.073)

- 1. The receipt that a landlord who receives a payment of periodic rent from a tenant of a manufactured home park is required by NRS 118B.073 to issue to the tenant:
 - (a) May be printed or handwritten; and
- (b) In addition to the information required by <u>NRS 118B.073</u>, must include any balance remaining unpaid.
- 2. Cancelled personal checks or cashier's checks and copies of money orders are not receipts for the purposes of this section and NRS 118B.073.

(Added to NAC by Mfd. Housing Div. by R127-08, eff. 12-17-2008)

NAC 118B.540 Report on quality of water; posting and notice requirements. (NRS 118B.024, 118B.077)

- 1. The current report on the quality of the water that is supplied to a manufactured home park that a landlord is required by <u>NRS 118B.077</u> to post in the park must, in addition to the requirements of <u>NRS 118B.077</u>, be posted in a location that is protected from the elements.
- 2. If the park has no location for posting the report that satisfies the requirements of this section and <u>NRS 118B.077</u>, the landlord shall send a copy of the report by United States mail, postage prepaid, to the mailing address of each tenant of the park.

(Added to NAC by Mfd. Housing Div. by R127-08, eff. 12-17-2008)

NAC 118B.550 Changes to certain information regarding owner and manager or assistant manager of park and agent for service of process; notice requirements. (NRS 118B.024, 118B.080) If there is any change in the information that a landlord is required by NRS 118B.080 to disclose in writing to each tenant of a manufactured home park, the landlord shall disclose the change in writing to each tenant of the park not later than 30 days after the change takes place.

(Added to NAC by Mfd. Housing Div. by R127-08, eff. 12-17-2008)

NAC 118B.560 Changes in contact information for third party contracted for emergency repairs; notice requirements. (NRS 118B.024, 118B.095) If there is any change in the name or telephone number of the third party with whom the manager of a manufactured home park contracts pursuant to NRS 118B.095 to provide emergency repairs for tenants of the park, the manager shall, not later than 24 hours after the change:

- 1. Provide notice of the change to each tenant of the park;
- 2. Post notice of the change in a conspicuous place in a common area of the park;
- 3. Provide notice of the change to the telephone answering service of the park, if any; and
- 4. Record the change on the answering machine of the park, if any. (Added to NAC by Mfd. Housing Div. by R127-08, eff. 12-17-2008)

NAC 118B.570 Minor repairs, replacements and cosmetic changes; who may perform. (NRS 118B.024)

1. Minor repairs, replacements and cosmetic changes to a manufactured home that are not required by law to be performed only by a person who is properly licensed pursuant to <u>chapter 489</u> of NRS may be performed by the owner of the manufactured home or any person qualified to make such repairs, replacements and changes.

2. As used in this section, "minor repairs, replacements and cosmetic changes" includes, without limitation, the changing of faucets or other plumbing fixtures, light fixtures, switches, smoke alarms and other items not requiring a permit or inspection.

(Added to NAC by Mfd. Housing Div. by R127-08, eff. 12-17-2008)

NAC 118B.580 Exterior improvements; written approval required. (NRS 118B.024) A tenant of a manufactured home park must secure the written approval of the landlord or manager of the park before making any exterior improvement to his or her manufactured home or the lot on which it is located that requires approval pursuant to the tenant's lease or rental agreement or the rules or regulations of the park, regardless of whether a permit is required for the improvement.

(Added to NAC by Mfd. Housing Div. by R127-08, eff. 12-17-2008)

NAC 118B.590 Prohibited practices by landlord: Guests and tenants. (NRS 118B.024) A landlord shall not require a tenant to revise the terms of the tenant's lease or rental agreement based on:

- 1. A guest who stays with the tenant for not more than a total of 60 days in a calendar year; or
- 2. The tenant allowing a person to live with him or her who is not listed on the lease or rental agreement, so long as the tenant is authorized by the provisions of paragraph (i) of subsection 1 of NRS 118B.150 to allow the person to live with him or her without paying an additional charge or fee.

(Added to NAC by Mfd. Housing Div. by R127-08, eff. 12-17-2008)

NAC 118B.600 Resident impact statement: Form. (NRS 118B.024, 118B.184) The resident impact statement that a landlord who begins the process of closing or converting a manufactured home park is required by NRS 118B.184 to submit to the appropriate local zoning board, planning commission or governing body must be made on a form prescribed by the Division.

(Added to NAC by Mfd. Housing Div. by R127-08, eff. 12-17-2008)